

Introduced by: Councilmember Elrich

First Reading: July 24, 2006
Second Reading: July 31, 2006

Effective Date: August 20, 2006

CITY OF TAKOMA PARK

ORDINANCE NO. 2006-36

(Establishment of a City of Takoma Park Board of Elections)

WHEREAS, The *Takoma Park Charter*, in Section 613, provides that the Council has the power to provide by ordinance in all respects not covered by the Charter for the conduct of City elections and that the Council further has the power to create and appoint a Board of Elections and to specify the functions and duties of the Board of Elections; and

WHEREAS, the City has recently amended the *Takoma Park Charter* to adopt a system of instant runoff voting in City elections; there have been recent changes in federal election laws which may result in mandates for City elections; and there are special challenges and opportunities posed by allowing non-citizens to vote in City elections; and

WHEREAS, the Council believes that a Board of Elections could broaden the level of expertise and skills available for the planning and implementation of City elections and improve the conduct of City elections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that the *Takoma Park Code* is amended by adding a new Chapter 5.24 to Title 5, Elections, as follows:

Chapter 5.24. Board of Elections.

Section 5.24.010. Establishment of Board of Elections.

The City of Takoma Park Board of Elections is established. The Board of Elections shall consist of at least four (4) but no more than seven (7) members who shall be appointed by the Council. The Council shall make every effort to ensure that the Board of Elections includes representatives from each Council ward.

Section 5.24.020. Membership and Term of Office.

A. *Qualifications.* Members of the Board of Elections shall be qualified voters of the City and shall not hold or be a candidate for any elective office in government (federal, state, county, or local) during their term on the Board. Members of the Board of Elections also shall not serve as the treasurer or campaign manager for any candidate for City elective office or be an

advocate for or against any campaign or ballot referendum question in a regular or special City election. Any member who ceases to meet the qualifications for membership on the Board of Elections shall automatically forfeit his or her membership on the Board and the Council may act to fill the vacancy.

B. *Term.* Members of the Board of Elections shall serve staggered 3-year terms. Initial appointments to the Board shall be for 1, 2 or 3 years. All terms shall begin on July 1 and end on June 30. Midterm vacancies on the Board of Elections shall be filled by the Council for the remainder of the unexpired term.

C. *Removal.* Any member of the Board of Elections may be removed by the Council before the member's term has expired if the Council determines that the member has become incapacitated, has failed to reasonably perform his or her duties as a member of the Board of Elections, or for other good cause. Before removal, the member of the Board of Elections who is proposed to be removed shall be given written notice of the proposed removal and the reasons for such action. If the Board member requests a public hearing on the proposed removal within 10 days after receipt of the written notice, then the Council shall conduct a hearing before acting on the proposed removal. Any member who fails to attend, without being properly excused by the Chairperson, three or more consecutive meetings of the Board, or a majority of five consecutive meetings, shall be deemed to have provided good cause for removal by the Council.

Section 5.24.030. Administration.

A. *Officers.* The Board of Elections shall elect a Chairperson and Vice Chairperson for a one-year term or until a successor is elected.

B. *Quorum.* A majority of the members of the Board of Elections shall constitute a quorum for the transaction of business.

C. *Meetings.* The Board of Elections shall meet as required to perform its duties, but at least once a year. Regular or special meetings shall be convened by the Chairperson or by a majority of the members of the Board of Elections.

D. *Adoption of bylaws and rules of procedure.* The Board of Elections may adopt bylaws and rules of procedure to further regulate the activities of the Board.

Section 5.24.040. Duties of the Board of Elections. The Board of Elections shall:

A. Plan and conduct regular and special City elections in coordination with the City Clerk.

B. Encourage voter registration in the City.

C. Conduct voter education programs and prepare and distribute voter outreach materials.

D. Recommend to the Council amendments to the City's elections law and regulations when it deems such amendments are necessary and will provide for the improved conduct of elections.

E. Periodically review City elections procedures.

F. Serve as election judges in City elections.

G. Recommend additional qualified individuals to the Council for appointment as election judges during a regular or special City election.

H. Perform such other duties as may be assigned to the Board of Elections by Charter, ordinances and resolutions, and by the direction of the Council.

Adopted by the Council of the City of Takoma Park this 31st day of July, 2006, by roll-call vote as follows:

Aye: Porter, Austin-Lane, Clay, Seamens, Williams

Nay:

Absent: Barry, Elrich

Abstain: